

Crimean election law and formation of political climate in the autonomy

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Elections to the Crimean parliament occupy a special place in political and economic life of the peninsula. It is not that residents of the Crimea will get more ballots on March 31 and, theoretically, will have to read more election programs and leaflets than residents of the «mainland» Ukraine. The results of the Crimean elections may determine key trends of development (or decay) in the Crimean economy and politics, and key trends in relations between the Crimean and national authorities for the years to come. What matters is the personalities that will come to power and the bills they will propose, based on their own political and business interests and ideological preferences.

There are more than enough examples of the leading role of the Crimean parliament and its personalities in the process of formation of a political climate in the peninsula: from the parliamentary and then presidential activities of the Crimea's first and last president, Yuri Meshkov, to the permanent «criminal revolution» in the Crimea in 1996-1998. Obviously, activities of Speaker of the Crimean parliament (since 1998) and leader of the Crimean communists Leonid Grach has not been an exception – just remember many years of confrontation between the Crimean parliament and the Council of Ministers and a number of the parliament's attempts to dismiss the government of Sergey Kunitsin – both blocked the economic development of the peninsula. The Crimean Constitution also caused heated and lengthy debates over the issues of interethnic relations and economic development – just note the single-channel Crimean budget.

One may see that the rules of the election game contribute noticeably to adding loopholes and other deviations to the Crimean political and social climate. Hence, the rules of the election game, their implementation and results may act as a key factor capable either of finding a solution to the problems or adding to the problems: from political and economic issues, relations between official Kyiv and Simferopol, to issues of interethnic relations in the autonomy. The election results bring certain political, social and business groups to the Crimean and, sometimes, national scene; those groups act in accordance with their own interests, political roles, ideology in addressing (or deepening) problems of the peninsula. Furthermore, the rules of the election game determine not only the election outcome, but also future problems, as it happened in 1998.

Today, it is likely that the outcome of the 2002 elections to the Crimean parliament will continue the «traditional» problems brought by the 1998 elections. One of the key issues will be continued confrontation between Crimean Communists and «Crimean reformers» (different political-business groups that play in teams other than that of Speaker Grach). Another problem is the representation in the parliament of one of the Crimea's most sensitive groups, Crimean Tatars. In the 1998, they did not get a single seat in the Crimean parliament – primarily because almost 90 thousand Crimean Tatars – residents of the Crimea did not have the Ukrainian citizenship and, hence, could not vote, and also because votes of the rest of Crimean Tatars were too dispersed. Among negative impressions of the Ukrainian election campaign, the statement of the OSCE and the PACE observer mission mentioned that «85 thousand Crimean Tatars (non-citizens of Ukraine) could not vote, and mentioned the lack of quotas for Crimean Tatars in the Crimean parliament» (Holos Ukrainy, April 1, 1998). The situation, linked to the non-representation of Crimean Tatars in the Crimean parliament, threatened that «solution of many issues, connected to the repatriants, will be brought to the square», as first deputy chairman of the Medjlis Refat Chubarov argued in 1998. Then, speaker of the Crimean parliament Anatoly Hrytsenko had to admit that «for the state it is better to have 14 Crimean Tatars in the parliament than 3 thousand in the square» (Avdet, #7, April 7, 1998).

The 1998 election campaign included the departure from the earlier norm of quotas, used in the 1994 elections. On October 13, 1993, the Crimean parliament approved amendments to the law «On Elections to the Verkhovna Rada of the Crimea» that provided a quota of 14 seats in the parliament to representatives of Crimean Tatars. The Armenian, Bulgarian, Greek and German communities of representatives of ethnic groups of former forcibly displaced persons received a quota of one seat each. However, later on the practice was dropped.

One of the key roles in possible conservation of various Crimean problems could be played by the old (i.e., current) Crimean election law. Only on January 17, 2002, the Ukrainian parliament approved, by 330 votes, amendments to the 1998 Crimean election law. However, the changes were mainly of cosmetic nature and had practically no influence on the system of elections in the Crimea. According to the new provisions, lists of eligible voters should be submitted to district election commissions no later than 30 days ahead of the polling day, a reduction of the 45-day term specified in the 1998 election law. Should voters arrive to the polling station after the lists of eligible

voters have been finalized, they may be included to the list if they present identification documents that certify their statehood. Basically, the Crimean «rules of the game» were brought to match the general election campaign agenda.

Elections in the Crimea do not envisage the change from the fully-majoritarian to the proportional system, as it was proposed by some political forces. Meanwhile, introduction of elements of a proportional system could not only ensure representation of a broad spectrum of social and political forces in processes of self-governance and structuring of the society, but would assist solving old problems of the region, including the issue of representation of Crimean Tatars in the bodies of power.

What were the steps of the Crimean election law that still failed to bring about a compromise between different political forces in Ukraine and the Crimea? Discussions about introduction of the proportional system had been under way for a while – a mixed system was first proposed before the 1998 elections. On December 17, 1997, members of the Ukrainian parliament approved in the first reading, by 226 votes, a Crimean parliamentary election law, submitted by Lev Mirimsky MP, a representative of the Crimea. The bill envisaged the use of a mixed system, with 50% of the seats to be filled through elections in majoritarian constituencies, while the other 50% would be filled through elections in a multi-member constituency through election lists of political parties and regional organizations. This option did not suit, for instance, Crimean Tatars, that insisted that the elections should be based on the proportional system. On January 22, 1998, the president rejected the law and returned it to the parliament for review, having equipped with his proposals. IN President Kuchma's views, some provisions of the new law contradicted the Constitution of Ukraine and specifically insisted that introduction of a mixed system into the Crimean parliamentary elections was premature, as the mixed system «will not contribute to consolidation of the society in the peninsula, but will fuel political passions» (Den, January 24, 1998). Finally, the Ukrainian parliament approved the new Crimean election law, and President Kuchma signed it on February 18, 1998. The elections in the Crimea were to take place on March 29, 1998 based on the majoritarian system, which, observers believed, made it practically impossible for Crimean Tatars to be elected to the Crimean parliament, as neither them nor other minorities received their quotas in the parliament.

Discussion about introduction of elements of the proportional system into the Crimean elections continued for a while after the elections, particularly in the context of ensuring representation of Crimean Tatars in the parliament. For instance, in 2000 President Kuchma ordered the establishment of a commission of members of the Crimean parliament, members of the Council of Representatives of the Crimean Tatar People, members of the Council of Ministers of the Crimea. Refat Chubarov MP later said that «as a member of that working group, [I] prepared a report that argued that the problem could be solved in several ways. First, the quota, second, the use of the proportional system, and third, the majoritarian system but with the formation of ethnic constituencies. Leonid Grach and the Crimean parliament spoke against any mechanisms but supported the proportional system, as they believed it was the most beneficial for themselves...» (Den, July 10, 2001). It was also clear that «the proportional system could solve the problem of representation of Crimean Tatars in the power bodies but then there was the problem of a subject of nominating a list, and, provided some good will of the parliament of Ukraine, if the right to nominate [candidates] is given to national organizations, such a system could suit us» (ibid.) However, at that stage the process was actually frozen. On September 5, 2000, the Ukrainian parliament registered a draft bill, submitted by Crimean Communist Natalia Shtepa, prepared with the help of lawyers of the Crimean parliament, that envisaged a proportional election system. The specific Crimean Tatar context was ignored, though there was a chance to finalize some positions. Finally, on March 24, 2001, the Ukrainian parliament approved a resolution that defined a concept of the use of a mixed (50:50) system of the Crimean parliamentary elections. The proportional idea was dropped again. On July 3, 2001, the parliament debated three versions of the draft law on the Crimean parliamentary elections – the draft submitted by Natalia Shtepa (CPU), the draft by Lev Mirimsky (Trudova Ukraina) and by Yuri Kliuchkovsky (Rukh). The Shtepa draft was rejected by the March resolution. The other two drafts caused heated debates. The draft, submitted by Kliuchkovsky, envisaged introduction of quotas for former forcible displaced peoples – Crimean Tatars, Armenians, Greeks, Bulgarians and Germans. 50% of seats in the would-be parliament of the Crimea were to be taken by political parties, 41% by winners of the elections in majoritarian constituencies, and 9% by ethnic constituencies: 7 by Crimean Tatars, 1 by Karaims and Krymchaks, and 1 by a representative of Armenians, Greeks, Bulgarians and Germans.

However, the draft bill was not supported – mainly due to the efforts of Communists. Later on, leader of the Communists Petro Symonenko described the letter of the president, accompanying the rejected bill, as «paradoxical»: «One of his arguments is the necessity to «satisfy the request of Crimean Tatars about the formation of ethnic constituencies». That is, at least, weird!» (Komunist, #47, October 2001). The parliamentary Committee for State-building and Local Self-governance proposed to support Lev Mirimsky's draft, which, to a large extent, repeated the national election law with its 50:50 system. The debates went on.

Noteworthy, President Kuchma repeatedly stated that the parliamentary elections in the Crimea should be held in accordance with the majoritarian system, but «taking into account interests of citizens that were formerly forcibly deported from the Crimea» (Uriadovyi Kurrier, October 27, 2001).

On November 15, 2001, the parliament rejected the mixed-system draft bill on the Crimean parliamentary elections in the second reading. The law was stuck, as the issues of application of a mixed system and addressing the issue of representation of Crimean Tatars remained unsolved.

On December 19, 2001, the Crimean parliament set the polling day: March 31, 2002, and approved the composition of the election commission. On December 28, 2001, the key provisions of the Crimean election campaign were specified. The Crimean elections will be organized in accordance with the current law and the majoritarian system. 100 election constituencies were formed. However, the Crimean Central Election Commission (CEC) did not take into account President Kuchma's suggestion that interests of Crimean Tatars should be considered. On December 29, 2001, the Medjlis issued a statement criticizing the CEC on formation of election constituencies, as it had not take into account «the principle of compact settlement of Crimean Tatars».

Meanwhile, it is clear today that notwithstanding the conservation of the Crimean election law and factors that strongly complicate chances for Crimean Tatars to be elected to the Crimean parliament, the Crimean Tatars will not boycott the elections. For instance, the 2nd extra session of the 4th Kurultai (January 19, 2002) approved the decision to nominate 55 candidates in 100 majoritarian constituencies of the Crimea. Refat Chubarov MP explained that the Kurultai had not aimed at having candidates in all 100 constituencies. «More effective, nor formal representation in the constituencies, but cooperation with other partners in order to prevent the victory of more hardline forces,» he stressed (Interfax-Ukraina, January 19, 2002). In other 45 constituencies, Crimean Tatars will support other democratic candidates. Today, it is not hard to predict how problematic it will be for Crimean Tatars to get elected to the parliament with the legislation unchanged and no support in formation of election constituencies. It is very much likely that levers of the notorious «administrative resource», capacity of which is most obviously seen in majoritarian constituencies, will be used against Crimean Tatar candidates.

Hence, back of the beginning of our discussion, one may see that yet another step towards conservation of certain Crimean problems has been made. An opportunity to find a compromise was lost. The conclusion is that key features of the Crimea's specific political climate will be preserved in the future – for Crimean politicians (and Ukrainian politicians in general) are often unable to learn even on their own mistakes.

